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Docket: 11872/US/2

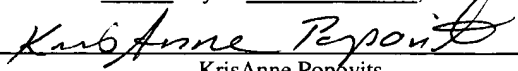
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Tara Nicole Sherman	
Application No.:	10/723,718	
Filing Date:	November 25, 2003	Examiner: Not Yet Known
Title:	<b>PROSTHETIC SPINAL DISC NUCLEUS WITH ELEVATED SWELLING RATE</b>	Group Art Unit: 3738

## TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

I hereby certify that this document is being sent via First Class U.S. mail  
addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450 on this 14 day of June, 2004.

  
KrisAnne Popovits

Dear Sir:

The following documents are enclosed in connection with the above-referenced patent application:

1. Information Disclosure Statement Under 37 CFR 1.97(b) & (e)(1) (2 pages);
2. Form PTO/SB/08A (2 pages, submitted in duplicate);
3. Copy of International Search Report (5 pages);
4. Copies of Six (6) References Cited; and
5. Return Receipt Postcard.

Respectfully submitted,

DORSEY & WHITNEY LLP  
Customer Number 25763

Date: Jun 14, 2004

By: 

Scott D. Rothenberger  
Reg. No. 41,277  
Intellectual Property Department  
Suite 1500  
50 South Sixth Street  
Minneapolis, MN 55402-1498  
(612) 340-8819



Docket: 11872/US/2

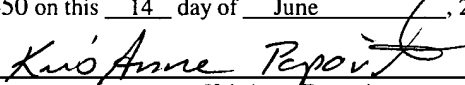
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**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97(b) & (e)(1)**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

I hereby certify that this document is being sent via First Class U. S. mail addressed to: Commissioner for Patents, P. O Box 1450, Alexandria, VA 22313-1450 on this 14 day of June, 2004.

  
KrisAnne Popovits

Dear Sir:

Pursuant to 37 CFR 1.97(b), the references listed on the attached Form PTO/SB/08A (2 pages, submitted in duplicate) are brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. Copies of the identified references are enclosed as necessary. The identified references were cited by the International Search Authority in a corresponding PCT application. A copy of the International Search Report is also enclosed. This Information Disclosure Statement ("IDS") is being filed before the mailing of a first Office action on the merits. In accordance with 37 CFR 1.97(b), no statement or fee is required.

**Statement Under 37 CFR § 1.97(e)(1)**

Each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of the foreign search report is enclosed.

Pursuant to the Manual of Patent Examining Procedure, Chapter 609, Applicant requests that the Examiner consider each of the listed documents and initial and return to the undersigned a copy of the enclosed PTO/SB/08A (submitted in duplicate).

Respectfully submitted,

**DORSEY & WHITNEY LLP**  
**Customer Number 25763**

Date: \_\_\_\_\_

*11/19/03*

By: \_\_\_\_\_

*Scott D. Rothenberger*  
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Suite 1500  
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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Application Number	10/723,718
Filing Date	November 25, 2003
First Named Inventor	Tara Nicole Sherman
Art Unit	3738
Examiner Name	Not Yet Known
Attorney Docket Number	11872/US/2

Sheet 1 of 2

**U.S. PATENT DOCUMENTS**

*Examiner Initials	Cite No.	DOCUMENT NUMBER Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 5,159,360	10-27-1992	Stoy et al.	
		US- 5,788,687	8-4-1998	Batich et al.	
		US- 2002/0082699 A1	6-27-2002	Ward et al.	
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**FOREIGN PATENT DOCUMENTS**

*Examiner Initial	Cite No.	FOREIGN PATENT DOCUMENT		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	TRANSLATION	
		Country Code:	Number - Kind Code (if known)				YES	NO
		PCT	WO 02/076336 A2	10-3-2002	Keraplast Technologies, Ltd.		<input type="checkbox"/>	<input type="checkbox"/>
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EXAMINER SIGNATURE

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

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Art Unit	3738
Examiner Name	Not Yet Known
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Sheet 2 of 2

**OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS**

*Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	TRANSLATION	
			YES	NO
		TAMURA, Toru; YOSHIDA, Shigeto; MIYAMOTO, Yasushi; KAWAUCHI, Susumu; SATOH, Mitsuru; and KOMIYAMA, Jiro. "Swelling behaviour of poly( $\alpha$ -hydroxyacrylic acid) gel." <i>Polymer International</i> , vol. 49, no. 2, 2000, pps. 147-152.	<input type="checkbox"/>	<input type="checkbox"/>
		KATIME, Issa and RODRIGUEZ, Elena. "Absorption of metal ions and swelling properties of poly(acrylic acid-co-itaconic acid) hydrogels." <i>J. Macromol. Sci. - Pure Appl. Chem.</i> , A38(5&6), 2001, pps. 543-558.	<input type="checkbox"/>	<input type="checkbox"/>
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